



THE CITY OF NEW YORK
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June 21, 2023

Via ECF

Honorable Paul A. Engelmayer
United States District Judge
40 Foley Square
New York, NY 10007

Re: Goldstein, et al. v. Professional Staff Congress/CUNY, et al.
Civil Action No.: 22 Civ. 321 (PAE) (JEW)
Law Manager No.: 2022-006063

Dear Judge Engelmayer:

I am the Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent Defendant the City of New York, in the above-referenced action. The City writes in response to the Court's order, dated June 23, 2023, requesting that Defendant file a revised chart that sets out, in detail, with specificity, the basis for Defendant's calculations. See ECF No. 114. Please see the enclosed revised chart in response to the Court's order.

Respectfully submitted,

/s/
Rachel M. DiBenedetto
Assistant Corporation Counsel

cc: All counsel of record (via ECF)

							Travel & <i>Pro Hoc Vice</i> Reductions		
Names	Plaintiff's Original Hours	Plaintiff's Hours Claimed	Adjusted Hours	Plaintiff's Hourly Rate	Adjusted Hourly Rate	Pre-Reduction Adjusted Lodestar Rate Total (Adjusted hours x Adjusted hourly rate)	Travel (Reduction by 50% of adjusted rate¹) (Adjusted travel rate x billable travel hours)	Pro Hoc (Revised paralegal rate of \$150²) (Paralegal rate x billable <i>pro hoc vice</i> hours)	Post-Reduction Adjusted Lodestar Rate Total (Pre-Reduction Adjusted Lodestar Rate Total – Travel & <i>Pro Hoc Vice</i> Reductions)
N. McGrath	22.2	19.9	17.1 ³	\$500	\$400 ⁴	17.1 x \$400 = \$6,840	\$200 x 6 = \$1,200	N/A	\$6,840 - \$1,200 = \$5,640
D. Acker Susanj	40.7	36.6	33.8 ⁵	\$400	\$300 ⁶	33.8 x \$300 = \$10,140	\$150 x 6 = \$900	N/A	\$10,140 - \$900 = \$9,240

¹ Defendant reduced Plaintiff's travel rate to 50% of the adjusted hourly rate. See Def.'s Mem, ECF No. 132, at p. 8.

² Defendant subtracted the proposed paralegal rate from Plaintiff's attorney rate in an effort to compromise on the figure.

³ Defendant reduced Plaintiff's hours from their original 22.2 hours (see ECF No. 116, at p. 7) to an adjusted 17.1 hours by eliminating 5.1 hours of work performed after the April 22, 2022 Rule 68 Judgment. In Plaintiff's Reply, Plaintiff agreed to reduce their fee request by \$5,310 to eliminate all time entries that postdate April 22, 2022. See Reply, ECF No. 133, at p. 9.

⁴ Defendant reduced McGrath's hourly rate to \$400 based on Plaintiff's counsel's experience. See Def.'s Mem, ECF No. 132, at pp. 5, 7.

⁵ Defendant reduced Plaintiff's hours from their original 40.7 hours (see ECF No. 116, at p. 8) to an adjusted 33.8 hours by eliminating 6.9 hours of work performed after the April 22, 2022 Rule 68 Judgment. See also supra n.3. Due to a scrivener's error, Defendant corrects the adjusted hours from 33.6 to 33.8. All calculations in this chart reflect that change.

⁶ Defendant reduced Susanj's hourly rate to \$300 based on Plaintiff's counsel's experience. See Def.'s Mem, ECF No. 132, at p. 8.

M. Chappell	6.6	10.2	9.1	\$650	\$650	9.1 x \$650 = \$5,915	N/A	<ul style="list-style-type: none"> • Attorney rate: \$650 x 3.1 = \$2,015⁷ • Paralegal Rate: \$150 x 3.1 = \$465 \$2,015 - \$465 = \$1,550	\$5,915 - \$1,550 = \$4,365
W. Messenger		6.6	5.9	\$600	\$600	5.9 x \$600 = \$3,540	N/A	<ul style="list-style-type: none"> • Attorney rate: \$600 x 1 = \$600⁸ • Paralegal Rate: \$150 x 1 = \$150 \$600 - \$150 = \$450	\$3,540 - \$450 = \$3,090
L. Wanner	8.5	7.6	7.6	\$150	\$150	\$1,140	N/A	N/A	\$1,140
						Total: \$27, 575			Total: \$23, 475

⁷ Plaintiff agreed to reduce Chappell's billable hours spent on the *pro hac vice* motions by 2.7 hours. See Reply, ECF No. 133, at p. 9.

⁸ Plaintiff's agreed to reduce Messenger's billable hours spent on the *pro hac vice* motions by 1 hour. Id.

Additional Adjustments		
	Adjustment	New Rate
Post-Reduction Adjusted Lodestar Rate Total: \$23,475	83% ⁹	\$19,484.25
Pre-Reduction Adjusted Lodestar Rate Total: \$27,575	Minus Reduced New Rate: \$19,484.25	\$8,090.75 ¹⁰
Total Adjusted Lodestar rate (Pre-Reductions) - New Rate: \$8,090.75	Reduced by 60% ¹¹ : \$4,854.45	\$3,236.30
Adjusted Lodestar with additional 60% reduction: \$3,236.30	Plus Additional costs ¹² : \$83.68	Final Total: \$3,319.98

⁹ See Def.'s Mem., ECF No. 132, at p. 11.

¹⁰ To calculate the across the board reduction to 17%, Defendant subtracted \$19,848.25 from \$27,575.

¹¹ See id. at p. 15.

¹² See id. at p. 19.